

## Coast Guard, DHS

## § 159.005-5

46 CFR part or section where identified or described	Current OMB control No.
§ 160.047-5 .....	1625-0035
§ 160.048-5 .....	1625-0035
§ 160.050-5 .....	1625-0035
§ 160.052-7 .....	1625-0035
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§ 164.019-9 .....	1625-0035
§ 164.019-13 .....	1625-0035
§ 164.019-15 .....	1625-0035
§ 164.023-15 .....	1625-0035

[49 FR 38121, Sept. 27, 1984, as amended by CGD 86-057, 51 FR 35220, Oct. 2, 1986; CGD 84-068, 58 FR 29492, May 20, 1993; USCG-2004-18884, 69 FR 58350, Sept. 30, 2004]

### Subpart 159.005—Approval Procedures

#### § 159.005-1 Purpose.

(a) This subpart contains the procedures by which the Coast Guard approves equipment and materials under other subparts of this subchapter that require—

- (1) Preapproval inspections and tests by an independent laboratory;
- (2) Preapproval inspections and tests by the manufacturer; or
- (3) No preapproval inspections or tests.

(b) [Reserved]

#### § 159.005-3 Application for preapproval review.

(a) Each manufacturer of equipment or material who seeks Coast Guard approval under an applicable subpart must submit an application that meets § 159.005-5 to the Commandant unless—

- (1) The subpart contains a list of independent laboratories;
- (2) The subpart does not require Coast Guard review prior to testing; and
- (3) The manufacturer meets the requirements of paragraph (b) of this section.

(b) If the applicable subpart contains a list of independent laboratories and

does not specifically require preapproval review by the Coast Guard, the manufacturer may have the tests performed by a listed laboratory and submit the report required by § 159.005-11 to the Commandant.

#### § 159.005-5 Preapproval review: Contents of application.

(a) Each application must contain the following:

(1) The name and address of the manufacturer and the factory where the finished equipment or material is produced.

(2) One or more of the following as required by the applicable subpart:

- (i) Two sets of general plans of the equipment or material.
- (ii) Two sets of specifications of the equipment or material.
- (iii) A sample of the equipment or material accompanied by a written description of its components.

(3) A statement signed by the manufacturer or the manufacturer's representative, that an official representative of the Coast Guard is allowed access to the place of manufacture and to the place of test to verify the information submitted in the application or to witness tests.

(4) If the material submitted under paragraph (a)(2) of this section contains confidential commercial information that could cause substantial competitive harm if released to the public, a statement to the effect that the material is considered privileged and confidential under exemption (b)(4) of the Freedom of Information Act (5 U.S.C. 552), and that it should not be released to anyone other than the original submitter.

(b) If the equipment or material is required by the subpart to be inspected and tested by an independent laboratory, the application must contain the following additional information:

(1) The name and address of a laboratory that meets § 159.010-3(a) and that is selected by the manufacturer to perform or supervise the inspections and tests.

(2) If the laboratory has not been accepted previously for inspecting and testing the manufacturer's equipment